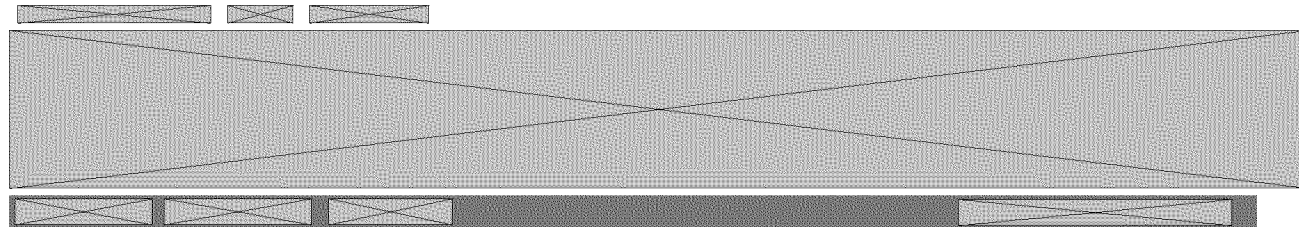


To: Tyler, Patti[Tyler.Patti@epa.gov]
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August 11, 2015 - Number 154

MY HEADLINES

British Columbia Updates Seismic Event Response

The British Columbia Oil and Gas Commission approved amendments to the provincial Drilling and Production Regulation Aug. 6 to streamline definitions and toughen existing rules. Highlights include listing actions to be taken in the event of a seismic event within a 3 kilometer radius of a disposal or fracturing operation; enhancing testing and analysis, including conducting isotope data sampling on exploratory wildcat and exploratory outpost wells; establishing fire prevention requirements ...

(Topic: oil and gas)

CBF Won't Appeal Virginia Stream Fencing Ruling

The Chesapeake Bay Foundation will not appeal a Virginia commonwealth court decision saying the Department of Environmental Quality doesn't have to issue a rule requiring farmers to keep cattle out of streams and rivers, CBF senior attorney Peggy Sanner told Bloomberg BNA Aug. 10. Richmond Circuit Court Judge C.N. Jenkins Jr. July 9 rejected the foundation's claim that a Virginia law that calls for "adequate buffer zones, where waste shall not be applied" extends to ...

(Topic: water pollution)

Clean Power Plan Extensions Have Catch: Outreach

States seeking additional time to develop compliance strategies for the Environmental Protection Agency's Clean Power Plan must first show that they have engaged with minority and at-risk populations.

(Topic: air pollution; Topic: climate change; Agency: Environmental Protection Agency)

Court Upholds Approval of Illinois Emissions Program

The Environmental Protection Agency did not act in an arbitrary or a capricious manner when it approved a revised motor vehicle emissions testing program in Illinois, a federal appeals court ruled (Indiana v. EPA, 2015 BL 254652, 7th Cir., No. 14-3214, 8/7/15).

(Topic: air pollution; Agency: Environmental Protection Agency)

Discharge Permits Upheld For Everglades Sugar Farms

Water discharge permits for South Florida sugar cane farms don't violate the state's Everglades protection laws, despite nearby waters continuing to exceed the allowable phosphorus limit, a state appeals court ruled (Fla. Audubon Soc'y v. Sugar Cane Growers Coop. of Fla., Fla. 2nd District Court of Appeal, No. 2D14-2328, 2015).

EPA Estimate Waste Release Mitigation Ruled by EPA Estimate at Least 3 Million

The Environmental Protection Agency says the release of toxic mine waste into the Animas River in southwest Colorado is estimated to be 3 million gallons—three times as large as initially thought.

EPA Region 8 office in Denver says it is working with the Agency for Toxic Substance and Disease Registry, in addition to other federal and state agencies, to determine the extent to which private drinking wells and wildlife are threatened by the spill, which has turned the Animas River orange. EPA investigators triggered the spill Aug. 5, while working to address toxic mining waste at the Gold King Mine.

The Environmental Protection Agency intends to address a recent ruling by the U.S. Supreme Court on the legality of the mercury and air toxics standards by spring 2016, the agency told a federal appeals court Aug. 10 (White Stallion Energy Ctr. LLC v. EPA, D.C. Cir., No. 12-1100, opposition filed 8/10/15).

The EPA intends to address a ruling by the U.S. Supreme Court on the legality of the mercury and air toxics standards by spring 2016, the agency tells a federal appeals court. The EPA says "extensive documentation" of the cost of the mercury and air toxics standards indicates that the agency will be able to meet a threshold for its "ambitious schedule on mitigation" once the U.S. Court of Appeals for the District of Columbia Circuit decides how to proceed. [More »](#)

(Topic: climate change; Agency: Environmental Protection Agency)

EPA to Propose De Minimis Standard for Greenhouse Gas Permits in Interior Announces Stream Protection Rule Hearings

The EPA plans to propose a de minimis threshold for its greenhouse gas permitting program in June 2016 after a federal appellate court denies industry groups' petitions to rehear lawsuits over the program. The U.S. Court of Appeals for the District of Columbia Circuit denies petitions from the Coalition for Responsible Regulation, Southeastern Legal Foundation and Competitive Enterprise Institute seeking a new hearing on legal challenges to the permitting requirements. The EPA must set a de minimis threshold—below which permits would not be required—because the U.S. Supreme Court limited the scope of the program. [More »](#)

Judge Denounces EPA's Pesticide Ban Delays

A federal appeals court judge harshly criticized the Environmental Protection Agency's request to waive penalties under a Superfund ban the pesticide chlordane, originally developed by Dow AgroSciences and now used in products made by dozens of agrochemical companies. Pesticide Action Network N. Am. v. EPA, 9th Cir., No. 14-72798, opinion 8/10/15).

Imposed under another consent decree related to the site or the federal government's separate suit to recover its response costs, a federal appeals court rules. There was no evidence the non-debtor defendants couldn't afford the new bank installment payments, penalties and interest specified in the decree, the U.S. Court of Appeals for the Third Circuit finds.

Activists in New York City are drafting legislation for measures to control the legionella bacterium in large building cooling towers, Mayor Bill de Blasio (D) and City Council Speaker Melissa Mark-Viverito said.

Baltimore Shipyard's Benzene Lawsuit Against Steel Mill Ruled

A shipyard can proceed with new environmental contamination claims against the New York City's neighboring steel mill, even though a prior ruling dismissed nearly identical claims as time barred, a federal district court rules. Whether the claims were timely in the first case is a non-identical issue to the timeliness in the second case, the U.S. District Court for the District of Maryland says. The defendants are different, and the complaint alleges that contamination has continued to migrate onto the shipyard's property since the new owner purchased the mill site, the judge says. [More »](#)

(Topic: environmental legislation; Topic: water pollution; Agency: Environmental Protection Agency)

Court Limits Demand for Details in Notice of Intent to Sue Forest

A plaintiff filing a notice of intent to sue the U.S. Forest Service did not need to provide a precise list of projects for the lawsuit, a federal appeals court rules, reversing a district court decision. The U.S. Court of Appeals for the Ninth Circuit rules that environmental activists had established subject matter jurisdiction simply by noting that the Forest Service had approved suction dredge placer mining in rivers and streams within a national forest without first consulting with the NOAA Fisheries Service on potential threats to species protected by the Endangered Species Act. [More »](#)

Plastic Pipe Proposal Draws Industry Concern

Several pipeline companies and associations called for a federal agency to remove from a rule proposed in May requirements intended to improve natural gas transmission by banning the use of plastic pipe. [More »](#)

Federal Appeals Court Upholds Approval of Minors Emissions

HIGHLIGHTS

Mercurant Causes Cancer, Ammonia Harms Lungs, Board Says

A chemical used to sterilize medical equipment and spices can cause leukemia, heart and other cancers, while ammonia can damage lungs, a panel of scientists advising the Environmental Protection Agency confirmed Aug. 10.

Study Says China Pollution Hurts U.S. Air Quality

Chinese air pollution is blowing across the Pacific Ocean and partly offsetting clean air measures taken in California, according to Dutch and U.S. researchers.

Taiwan Readies 2030 Pledge to Climate Accord

Taiwan is readying a formal pledge to a global climate accord that nearly 200 nations are to sign at end-of-year United Nations talks in Paris, the country's environment minister told Bloomberg BNA Aug. 10.

U.N. Says Kyoto Protocol Countries 'Exceeded' Goals

Industrialized nations accounting for the 2008-2012 commitment period to the Kyoto Protocol exceeded parties' collectively exceeded their original ambitions by a large margin, the United Nations Framework Convention on Climate Change (UNFCCC) reported Aug. 10.

Virginia House Speaker Backs Power Plant Review Bill

Legislation will be introduced for the 2016 Virginia General Assembly session that would require legislative approval of the Virginia executive branch's plan for complying with the Environmental Protection Agency's Clean Power Plan (EPA 2015-033). Virginia House of Delegates Speaker Bill Howell (R) announced Aug. 10. The commonwealth should delay the implementation of any compliance plan until the regulations are finalized and the General Assembly should have final approval.

Gallons

EPA Plans to Address Supreme Court MATS Decision by Spring 2016

2016

Settlement

Timely

Service

Program

The EPA did not act in an arbitrary or a capricious manner when it approved a revised motor vehicle emissions testing program in Illinois, a federal appeals court rules. The U.S. Court of Appeals for the Seventh Circuit denies a challenge brought by Indiana, which alleged that the EPA had approved a program that impermissibly interferes with attainment of the national ambient air quality standards for ozone in two counties in that state. The court rules that the EPA complied with its reasonable interpretation of Section 110(l) of the Clean Air Act, which governs revisions of state implementation plans. [More »](#)

States Seeking Clean Power Plan Extensions Must Demonstrate Outreach

States seeking additional time to develop compliance strategies for the EPA's Clean Power Plan must first show that they have engaged with minority and at-risk populations. The Clean Power Plan establishes three criteria for states seeking an additional two years to develop their compliance plans, and among them is

demonstrating outreach to environmental justice communities. Lisa Garcia, vice president of litigation for healthy communities at Earthjustice, says the EPA's placement of the engagement requirement early on in the process constitutes a safeguard. [More »](#)

Kyoto Protocol Countries 'Exceeded' Emissions-Reduction Goals, UN Says

Near-final accounting for the 2008–2012 commitment period under the Kyoto Protocol shows parties “collectively exceeded their original emissions-reduction goals by a large margin,” the United Nations Framework Convention on Climate Change reports. The protocol's first commitment period required 36 industrialized countries to reduce emissions by an average of 5.4 percent compared to 1990 during the four-year period from 2008 to 2012. Though the period ended nearly three years ago, figures are still being compiled. [More »](#)

China Pollution Blows Across Pacific, Hurts U.S. Air Quality, Study Says

Chinese air pollution blows across the Pacific Ocean and partly offsets clean air measures taken in California, according to Dutch and U.S. researchers. More than two-fifths of the expected benefits of anti-pollution controls in the Western U.S. are canceled out by rising ozone pollution from China, the scientists report. [More »](#)

Tracking Provisions Spark Industry Concern Over Plastic Pipe Proposal

Several pipeline companies and associations ask a federal agency to remove from a proposed rule requirements intended to improve natural gas transmission and distribution systems operators' ability to locate and track plastic pipe. Many industry members, including the American Gas Association, are generally supportive of the Pipeline and Hazardous Materials Safety Administration's plastic pipe proposal, which also updates mechanical fitting requirements and responded to industry petitions. [More »](#)

ALSO IN THE NEWS

DRINKING WATER:

Acting in the wake of a Legionnaires' disease outbreak, New York City is drafting legislation for measures to control the legionella bacterium in large building cooling towers, Mayor de Blasio says. [More »](#)

RISK ASSESSMENT:

A chemical used to sterilize medical equipment and decontaminate spices can cause leukemia, breast and other cancers, and ammonia can damage lungs, scientists advising the EPA say. [More »](#)

WATER POLLUTION:

Scientists and environmental advocates warn that boating events at the 2016 Summer Olympic Games in Rio de Janeiro may pose a health risk because of sewage contamination in the bay and lagoon where the races will be held. [More »](#)

RENEWABLE ENERGY:

The total installed wind power capacity in the U.S. grew by 8 percent from 2013 to 2014, reaching a total of nearly 66 gigawatts of wind capacity, according to new reports from the Energy Department. [More »](#)

PESTICIDES:

A federal appeals court judge criticizes the EPA for using stall tactics to avoid making a decision on whether to ban the insecticide chlorpyrifos, developed by Dow AgroSciences and now used in products made by dozens of agrochemical companies. [More »](#)

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